

JAN 16 2008

BEUSSE WOLTER SANKS MORA MAIRE, P.A.

FACSIMILE TRANSMITTAL SHEET

| | |
|------------------------|-------------------------------------|
| TO: | FROM: |
| Examiner Basit | Christine Q. McLeod |
| COMPANY: | DATE: |
| USPTO #3694 | January 15, 2008 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| 571-273-7246 | 4 |
| PHONE NUMBER: | DIRECT NUMBER: |
| | 407-926-7723 |
| YOUR REFERENCE NUMBER: | SENDER'S REFERENCE NUMBER: |
| 10165-001 | 10/002,562 |
| RE: | |
| Interview Request | |

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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NOTES/COMMENTS:

No confirmation.

re-sent to (571)-273-8300

1/16/08

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JAN 16 2008

PTOL-413A (08-07)
Approved for use through 09/30/2007. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/002562 First Named Applicant: Soestbergen
Examiner: Basit, A Art Unit: 3694 Status of Application: 2nd Action

Tentative Participants:

(1) Christine McLeod, Atty (2) Abdul Basit, Examiner
(3) _____ (4) _____Proposed Date of Interview: 1/23/08 Proposed Time: 2:00 pm (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video ConferenceExhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

| Issues (Rej., Obj., etc) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|-----------------------------|--------------------|-------------------|--------------------------|--------------------------|--------------------------|
| (1) <u>102</u> | <u>1-43</u> | <u>California</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) <u>103</u> | <u>"</u> | <u>"</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See Attached

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature _____

Examiner/SPE Signature _____

Typed/Printed Name of Applicant or Representative _____

Registration Number, if applicable _____

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the SPE/PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments by the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEE OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Group Art Unit: 3694/Conf. 3802
Applicants: van Soestbergen, et al. Examiner: Basit
Application No.: 10/002,562 Attorney Docket: 10165-001
Title: Method and System for Banking and Exchanging Emission Reduction Credits

Applicant Initiated Interview Request Form - Attachment

Brief Description of Arguments to be Presented:

Initially, Applicants express their gratitude to the Examiner for the courtesies extended to Applicant's undersigned representative in granting a telephonic interview to discuss various issues raised in the Office Action of 9/14/2007.

(1) "California" 102(b) reference (as defined in the Office Action dated 9/14/07). The California reference discusses the general "concept of an interchangeable credit, the details of how such credits would be generated, banked, and used or traded would be specified in district rules. The proposed statewide regulation establishes only the general framework criteria for district programs; it is not a model rule that can be directly adopted by a district to implement an interchangeable credit program." [California, page 6. Purpose and Definitions].

Applicants' claims, on the other hand, express *specific* implementation schemes for carbon *sink* registration, carbon *source* registration, and ERC *trading* between purchasers and sellers. It is these specific implementation schemes that are not taught by California or the other cited references. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Some of the claim elements that represent specific implementation schemes not expressly or inherently described or taught by California include, but are not limited to, the following:

- Claim 1 - crediting only a percentage of the ERC value to the customer account.
- Claim 4 - selecting an accreditation level that determines the fee
- Claim 5 - dividing the percentage of the ERC value not credited to the account according to the accreditation level (and the details of the plurality funds)
- Claim 8 - ERC identification tags
- Claim 9 - donating (rather than trading) ERCs

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Claims 10, 11 - exchanging ERCs for monetary assets
Claim 18 - tracking ERCs between sellers and purchasers with registration, etc.
Claim 19 - balancing liabilities
Claim 20 - pooling ERCs with other sellers
Claim 21 - a search feature for carbon sinks prior to purchasing
Claim 22 - fees as a percentage of ERC value

Applicants submit that it is in these novel and non-obvious details that many advantages of the invention reside.

(2) Orr, Yeang, and IPCC references combined with California for 103 Rejection

IPCC merely discusses a method of calculating CO2 emissions.

Orr discusses a GIS information system for air quality

Yeang discusses using maps to show CO2 emissions

Applicants submit that the combination of references under 103 does not render the claims obvious since certain claimed elements are still missing (what is lacking in the California reference is not found in the cited references). To establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. The missing elements are important, providing advantages to the invention, and should not be overlooked.

Claim 3 - GPS indexing of the sink location
Claim 7 - using a virtual box to ensure ERCs are used only once
Claim 12 - carbon *source* registration with a debit to the account based on GHG value
Claim 15 - assigning monetary liability to GHG value
Claim 16 - (monetary) payments to purchase ERCs
Claim 17 - associating sink with source
Claim 29 - certifying products as GHG neutral after offsetting
Claim 32 - certifying services as GHG neutral after offsetting
Claim 41, 42, 43 - unique mapping method to manage GHG reductions with virtual boxes

The undersigned looks forward to a productive discussion of the issues to advance this case toward allowance.

Respectfully submitted,

Dated: January 15, 2008

By: /cqmcleod/

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